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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,232	01/09/2001	Khiem Le	017.39133X00	6982
20457	7590	03/11/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/756,232

Applicant(s)

LE ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 32-39 is/are allowed.
- 6) ☒ Claim(s) 19,24-29,40,49 and 50 is/are rejected.
- 7) ☒ Claim(s) 20-23,30,31 and 41-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on September 8, 2004, in which claims 1-50 are presented for further examination.

#### ***Response to Arguments***

2. Applicant's arguments filed on September 8, 2004 have been fully considered but they are not persuasive. (See examiner's remark).

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19, 24, 40 and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmes US Patent no. 5,864,860.

As to claim 19 and 40, Holmes discloses a system and method for compressing a data sequence having a plurality of records, wherein each record has a plurality of fields with each field beings classified to contain data items. In particular, Holmes discloses the claimed "classifying at least one item of a current list containing a plurality of items by comparing the current list with a reference list containing a plurality of items by comparing the current list with a reference list containing a plurality of items" (col.3, lines 2-10; col.4, lines 21-25; col.4, lines 37-43); "based upon the classifying of the at least one item of the current list forming a compressed list including said at least one item" (col.4, lines 13-16, lines 44-45, lines 54-56) and "transmitting said compressed list" (col.4, lines 56-59).

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As to claims 24, 49 and 50, Holmes discloses the claimed “wherein said compressed list includes information regarding a difference between a current item list and a reference item list” (col.3, lines 7-10; col.4, lines 37-50).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes US patent no. 5,864,860 and Svanbro et al (hereinafter “Svanbro”) US Patent no. 6,535,925.

As to claim 25, Holmes and Svanbro disclose substantially the invention as claimed. However, Holmes does not explicitly disclose the use of encoding the information regarding said difference prior to sending said information from said first entity to said second entity. On the other hand, Svanbro discloses the claimed feature “encoding the information regarding said difference prior to sending said information from said first entity to said second entity”(col.5, line 15-col.8, line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes’ fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes’ system the enhanced capability of efficiently compressing a header of a real-time communication

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packet.

As to claim 26, Holmes and Svanbro disclose substantially the invention as claimed.

However, Holmes does not explicitly disclose the claimed wherein encoding the information comprises encoding information regarding a position of a newly added item to said reference item list. On the other hand, Svanbro discloses the claimed feature “wherein encoding the information comprises encoding information regarding a position of a newly added item to said reference item list” (col.5, line 15-col.8); and “encoding information regarding which item in said reference item list is not in said current item list” (col.5, line 15-col.8, line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes’ fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes’ system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 27, Holmes and Svanbro disclose substantially the invention as claimed.

However, Holmes does not explicitly disclose the claimed wherein encoding the information comprises encoding information regarding which item in said reference item list is not in said current item list. On the other hand, Svanbro discloses the claimed feature “wherein encoding the information comprises encoding information regarding which item in said reference item list is not in said current item list”(col.5, line 15-col.8,

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line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 28, Holmes and Svanbro disclose substantially the invention as claimed. However, Holmes does not explicitly disclose the claimed wherein encoding the information comprises encoding information regarding content of at least one item in said reference item list. On the other hand, Svanbro discloses the claimed feature "wherein encoding the information comprises encoding information regarding content of at least one item in said reference item list"(col.5, line 15-col.8, line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes's fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

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As to claim 29, Holmes and Svanbro disclose substantially the invention as claimed. However, Holmes does not explicitly disclose the claimed wherein said information further comprises a type of encoding. On the other hand, Svanbro discloses the claimed feature “wherein said information further comprises a type of encoding” (col.5, lines 15-col.6, line 65). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes’s fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes’ system the enhanced capability of efficiently compressing a header of a real-time communication packet.

*Allowable Subject Matter*

10. Claims 20-23, 30-31 and 41-48 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 1-18 and 32-39 are allowable in light of the applicant argument and in light of the prior art made of record.

***Reasons for Indicating Allowable Subject Matter***

12. The present application has been thoroughly reviewed. Upon searching a variety of databases, the examiner respectfully submits that the features “determining a type of classification based on said comparing of the items of the lists and communicating the compressed information based upon the determined type of classification” in conjunction with other limitations of the independent claims 1 and 32 are not taught by the prior art of record. The pending claims 1-18 and 32-39 are hereby allowable. (See PTO-892 and PTO 1449).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***REMARK***

(A). The rejection under 35 USC 112 second paragraph has been withdrawn in the of the Applicants' argument.

(B). Applicants asserted that Holmes does not teach the recited “classifying at least one item of a current list containing a plurality of items by comparing the current list with a reference list containing a plurality of items”. In response, the examiner kindly disagrees with the preceding assertion. The examiner kindly submits that the appellant misread the applied references. However, when read and analyzed in light of the specification, the invention as claimed does not support applicants' assertions. Actually, applicants are



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interpreting the claims very narrow without considering the broad teaching of the references used in the rejection. The aforementioned assertion wherein Holmes fails to teach applicant's claimed features "classifying at least one item of a current list containing a plurality of items by comparing the current list with a reference list containing a plurality of items", was unsupported by objective factual evidence and was not found to be substantial evidential value. It is noted, however, that Holmes discloses an analogous system for compressing a data sequence having a plurality of records, wherein each record has a plurality of fields with each field being classified to contain data items by comparing the data item in the current field sequence with the data item in the corresponding field of a precedent records (reference record) (col2, lines 8-15, lines 35-40; col.3, lines 2-4; col.4, lines 37-42). Furthermore, applicants are reminded that 37 CFR 1.111(b) states, "a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirement of this section". Thus, applicants' assertions are just mere allegation with no supported fact by failing to specifically point out how the language of the claims patentably distinguished them from the cited references. The rejection under USC 35 102(b) set forth above is hereby sustained.

(C). Applicants asserted that Svanbro does disclose an encoding operation of information regarding the difference between the compressed list based on the classifying. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light of the specification, the invention as claimed does not support

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applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark page 14. It is important, applicants are interpreting the claims very narrow without considering the broad teachings of the reference used in the rejection. In the last rejection, the examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between applicants' claims phrases and prior art. By failing to address these correspondences, applicants have failed to rebut the examiner's prima facie case of anticipation uses for a different purpose, which does not alter the conclusion that its use in a prior art device would be prima facie anticipation from the purpose disclosed in the reference. The rejection under 35 USC 103 is hereby sustained.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M Corrielus  
Primary Examiner  
Art Unit 2162

February 24, 2005